

MATRIX INITIATIVES INC

Plaintiff

vs.

Case No: **19087-M**

STEVEN EDWARD DICK, ET AL

Defendant

To: **TIMOTHY M MULLIGAN
FORENSIC ADVISORS INC
8101 CONNECTICUT AVENUE #N109
CHEVY CHASE MD 20815**

You are hereby commanded to personally appear and **[X]** produce the following:
SEE ATTACHMENT

At **CAPITOL PROCESS SERVICES
9892 HOLLOW GLEN PLACE, SILVER SPRING, MD 20910-1138**

On **Friday, the 22nd day of October, 2004 at 10:00 A.M..**

DATE ISSUED: **August 26, 2004**



Molly Q. Ruhl

**MOLLY Q. RUHL, CLERK
of the Circuit Court for
Montgomery County, Maryland
50 Maryland Avenue
Rockville, MD 20850-2393**

This subpoena was requested by PLAINTIFF , and any questions should be referred to:

**GEOFFREY S. KERCSMAR, ESQUIRE
SNELL & WILMER, LLP
1 ARIZONIA CENTER
PHOENIX, AZ 85004-0001
602) 382-6000**

NOTICE

- (1) You are liable to body attachment and fine for failure to obey this subpoena.**
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court, or by an officer acting on behalf of the Court.**
- (3) If this subpoena is for attendance at a deposition in a civil case, and the party served is an organization, notice is hereby given that the organization must designate a person to testify.**

Sheriff's Return

☐ Served on the date indicated below

☐ Unserved, by reason of _____

Date: _____

Sheriff

EXHIBIT 3

Kevin J. Parker (#010408)
Geoffrey S. Kerckmar (#020528)
Scott A. Schwartz (#022685)
SNELL & WILMER LLP.
One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6238
Attorneys for Plaintiff

ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

MATRIX INITIATIVES, INC., a
Delaware corporation,

No. CV2002-023934

Plaintiff,

SUBPOENA DUCES TECUM
(Deposition and Records)

v.

STEVEN EDWARD DICK and JANE
DOE DICK, husband and wife; JIMMY
JONES and SHARON JONES, husband
and wife; FLOYD D. SCHNEIDER;
and JOHN and JANE DOES 1-25,

Defendants.

THE STATE OF ARIZONA TO:

Mr. Timothy M. Mulligan
Forensic Advisors, Inc.
99 Maryland Avenue
Rockville, MD 20850

alternative address:

8101 Connecticut Avenue #N109
Chevy Chase, MD 20815

**DATE, TIME AND PLACE
OF APPEARANCE:**

In accordance with subpoena to be issued by
Montgomery County, Maryland Circuit Court

YOU ARE COMMANDED to bring with you and produce these books, papers,
documents, or tangible things:

See attached Exhibit "A"

EXHIBIT 3

1 You have been subpoenaed by Matrixx Initiatives, Inc., whose attorney's name,
2 address, and telephone number is Kevin J. Parker, Snell & Wilmer, One Arizona Center,
3 400 East Van Buren, 19th Floor, Phoenix, Arizona 85004, (602) 382-6238.

4 **YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS**
5 **SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A**
6 **CONTEMPT OF THIS COURT, AND A CIVIL ARREST WARRANT MAY BE**
7 **ISSUED. A CIVIL ARREST IS AN ORDER DIRECTING ANY POLICE**
8 **OFFICER IN ARIZONA TO ARREST YOU AND BRING YOU BEFORE THIS**
9 **COURT FOR FUTURE PROCEEDINGS.**

10 **REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS**
11 **WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO**
12 **THE CASE BY PARTIES AT LEAST THREE JUDICIAL DAYS IN ADVANCE**
13 **OF A SCHEDULED COURT PROCEEDINGS.**

14 **Your Duties In Responding To This Subpoena**

15 You have the duty to produce the documents requested as they are kept by you in
16 the usual course of business, or you may organize the documents and label them to
17 correspond with the categories set forth in this subpoena. See Rule 45(d)(1) of the
18 Arizona Rules of Civil Procedure.

19 If this subpoena asks you to produce and permit inspection and copying of
20 designated books, papers, documents, tangible things, or the inspection of premises, you
21 need not appear to produce the items unless the subpoena states that you must appear for
22 a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil
23 Procedure.

24 **Your Right To Object**

25 The party or attorney serving the subpoena has a duty to take reasonable steps to
26 avoid imposing an undue burden or expense on you. The Superior Court enforces this
duty and may impose sanctions upon the party or attorney serving the subpoena if this
duty is breached. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to
respond to the request(s) made. Any objection to this subpoena must be made within 14
days after it is served upon you, or before the time specified for compliance, by
providing a written objection to the party or attorney serving the subpoena. See Rule
45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject
to protection as trial preparation material, you must express the objection clearly, and
support each objection with a description of the nature of the document, communication
or item not produced so that the demanding party can contest the claim. See Rule
45(d)(2) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing, you do not need to comply with the
subpoena until a court orders you to do so. It will be up to the party or attorney serving

1 the subpoena to seek an order from the court to compel you to provide the documents or
2 inspection requested, after providing notice to you. See Rule 45(c)(2)(B) of the Arizona
Rules of Civil Procedure.

3 If you are not a party to the litigation, or an officer of a party, the court will issue
4 an order to protect you from any significant expense resulting from the inspection and
copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

5 You may also file a motion in the superior court of the county in which the case is
6 pending to quash or modify the subpoena if the subpoena:

- 7 (i) does not provide a reasonable time for compliance;
8 (ii) requires a non-party or officer of a party to travel to a county different
9 from the county where the person resides or does business in person; or to travel to a
10 county different from where the subpoena was served; or to travel to a place farther than
11 40 miles from the place of service; or to travel to a place different from any other
12 convenient place fixed by an order of a court, except that a subpoena for you to appear
and testify at trial can command you to travel from any place within the state;
13 (iii) requires the disclosure of privileged or protected information and no
14 waiver or exception applies; or
15 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona
16 Rules of Civil Procedure.

17 If this subpoena:

- 18 (i) requires disclosure of a trade secret or other confidential research,
19 development, or commercial trade information; or
20 (ii) requires disclosure of an unretained expert's opinion or information not
describing specific events or occurrences in dispute and resulting from the expert's study
21 made not at the request of any party; or
22 (iii) requires a person who is not a party or an officer of a party to incur
23 substantial travel expense;

24 The court may either quash or modify the subpoena, or the court may order you to
25 appear or produce documents only upon specified conditions, if the party who served the
26 subpoena shows a substantial need for the testimony or material that cannot be otherwise
met without undue hardship and assures that you will be reasonably compensated. See
Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

SIGNED AND SEALED this date: AUG 17 2004

MICHAEL K. JEANES, Clerk

By 

Deputy Clerk

E. LEE

Exhibit "A"

Definitions

For the purposes of these document requests, the following definitions apply:

A. "Matrixx" means Matrixx Initiatives, Inc., its predecessor Gum Tech International, Inc., and all subsidiaries and affiliates and officers and employees thereof.

B. "Matrixx Stock" means Matrixx securities, including but not limited to common stock, options, short sales, puts, calls and other transactions (NASDAQ trading symbol: MTXX, and formerly GUMM).

C. "Matrixx Products" means Matrixx products, including but not limited to the Zicam® line of products.

Documents Requested

Please produce the following documents:

1. Any and all documents evidencing the individual(s) or entity (or entities) who requested that Forensic Advisors, Inc. prepare "The Eyeshade Report" dated August 26, 2003 on Matrixx Initiatives, Inc. ("Report"). This includes, but is not limited to, all receipts, correspondence, e-mails, and memoranda relating to the request.
2. Any and all documents regarding interaction with any person(s) or entity (or entities) referenced in the preceding request.
3. Any and all materials provided to or obtained by or used by Forensic Advisors, Inc. in preparation of the Report.
4. Any and all documents evidencing or supporting a factual basis for all of the assertions or allegations set forth in the Report.
5. Any and all documents evidencing the identity of any individuals who prepared a draft or any part of the Report.
6. Any and all documents evidencing the identity of all individuals or entities to whom the Report was provided.

1 7. Any and all documents regarding interaction with any person(s) or entity
2 (or entities) who requested, suggested, prompted, encouraged, persuaded, or otherwise
3 had any influence in the decision to prepare the Report.

4 8. Any and all documents regarding interaction with any person(s) or entity
5 (or entities) who assisted, aided, supported, contributed, played a role, or otherwise had
6 any influence in the production or content of the Report.

7 9. Any and all documents relating to or regarding interaction with an
8 individual known on the Internet as "veritasconari," or showing the identity of such
9 person.

10 10. Any and all documents relating to or regarding interaction with the
11 individual Floyd D. Schneider.

12 11. Any and all documents relating to or regarding interaction with an
13 individual known on the Internet as "Floydtheoneandonly," or showing the identity of
14 such person.

15 12. Any and all documents relating to or regarding interaction with an
16 individual known on the Internet as "charlesp0nzi," or showing the identity of such
17 person.

18 13. Any and all documents relating to or regarding interaction with an
19 individual known on the Internet as "thetruthseekercom," or showing the identity of such
20 person.

21 14. Any and all documents relating to or regarding interaction with an
22 individual known on the Internet as "gunnallenlies," or showing the identity of such
23 person.

24 15. Any and all documents relating to or regarding interaction with an
25 individual known on the Internet as "painfullyblunt2004," or showing the identity of
26 such person.

1 16. Any and all documents relating to or regarding interaction with the
2 individual Stephen Worthington.

3 17. Any and all documents relating to or regarding interaction with the
4 individual John Fiero.

5 18. Any and all documents relating to or regarding interaction with the
6 individual Anthony Elgindy.

7 19. All documentation relating to or reflecting the identity of the person using
8 the internet alias "gunnallenlies."

9 20. All documentation relating to or reflecting the identity of the person using
10 the internet alias "veritasconari."

11 21. All documentation relating to or reflecting the identity of any person
12 posting on any internet message board on the topic of Matrixx.

13 22. Contact information (whether hard copy or computer stored) for all
14 individuals or entities whom you believe or have been informed may have shorted
15 Matrixx Stock at any time during 2003 or 2004.

16 23. All documentation referring to or reflecting any recommendations or tips
17 relating to Matrixx Stock.

18 24. All memoranda or research reports or similar materials relating or referring
19 to Matrixx Stock.

20 25. All newsletters relating or referring to Matrixx Stock.

21 1281668.29

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

MATRIX INITIATIVES, INC., a
Delaware corporation,

No. CV2002-023934

Plaintiff,

v.

AMENDED COMMISSION

STEVEN EDWARD DICK and JANE
DOE DICK, husband and wife; JIMMY
JONES and SHARON JONES, husband
and wife; FLOYD D. SCHNEIDER;
and JOHN and JANE DOES 1-25,

Defendants.

THE STATE OF ARIZONA TO THE CLERK OR A COMMISSIONER OF THE
MONTGOMERY COUNTY COURT, STATE OF MARYLAND

GREETINGS:

We authorize you to cause to be issued an amended subpoena duces tecum for the
taking of the deposition of the following individual:

Mr. Timothy Mulligan
Forensic Advisors, Inc.
99 Maryland Avenue
Rockville, MD 20850

alternative address:

8101 Connecticut Avenue #N109
Chevy Chase, MD 20815

1 and to order such individual to produce documents, as described in the attached
2 Subpoena Duces Tecum, a copy of which has been filed with this Court and served upon
3 the parties as described in the Subpoena Duces Tecum.

4 Given under my hand and the seal of the Superior
5 Court of the State of Arizona, in and for the County of
6 Maricopa, this _____ day of August, 2004.

COPY

7 By: _____

AUG 24 2004

8 Deputy Clerk
9 Arizona Superior Court
10 Maricopa County



MICHAEL K. JEANES, CLERK
D. CARDENAS
DEPUTY CLERK

11 1281693.19

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

MATRIX INITIATIVES, INC., a
Delaware corporation,

No. CV2002-023934

Plaintiff,

v.

COMMISSION

STEVEN EDWARD DICK and JANE
DOE DICK, husband and wife; JIMMY
JONES and SHARON JONES, husband
and wife; FLOYD D. SCHNEIDER;
and JOHN and JANE DOES 1-25,

Defendants.

THE STATE OF ARIZONA TO THE CLERK OR A COMMISSIONER OF THE
MONTGOMERY COUNTY COURT, STATE OF MARYLAND

GREETINGS:

We authorize you to cause to be issued a subpoena duces tecum for the taking of
the deposition of the following individual:

Mr. Timothy Mulligan
Forensic Advisors, Inc.
99 Maryland Avenue
Rockville, MD 20850

alternative address:

8101 Connecticut Avenue #N109
Chevy Chase, MD 20815

EXHIBIT 3

1 and to order such individual to produce documents, as described in the attached
2 Subpoena Duces Tecum, a copy of which has been filed with this Court and served upon
3 the parties as described in the Subpoena Duces Tecum.

4 Given under my hand and the seal of the Superior
5 Court of the State of Arizona, in and for the County of
6 Maricopa, this _____ day of August, 2004.

7 By: _____

8 Deputy Clerk
9 Arizona Superior Court
10 Maricopa County 2004

11 MICHAEL K. JEANES, CLERK
12 E. LEE
13 DEPUTY CLERK

14 1281693.19

15 Snell & Wilmer

16 LAW OFFICES
17 One Arizona Center, 400 E. Van Buren
18 Phoenix, Arizona 85004-2202
19 (602) 382-6000

20
21
22
23
24
25
26
EXHIBIT 3

COPY

AUG 16 2004



MICHAEL K. JEANES, CLERK
D. CARDENAS
DEPUTY CLERK

Kevin J. Parker (#010408)
Geoffrey S. Kerckmar (#020528)
Scott A. Schwartz (#022685)
SNELL & WILMER LLP.
One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6238
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

MATRIX INITIATIVES, INC., a
Delaware corporation,

Plaintiff,

v.

STEVEN EDWARD DICK and JANE
DOE DICK, husband and wife; JIMMY
JONES and SHARON JONES, husband
and wife; FLOYD D. SCHNEIDER;
and JOHN and JANE DOES 1-25,

Defendants.

No. CV2002-023934

APPLICATION FOR COMMISSION
TO TAKE FOREIGN DEPOSITION

Plaintiff, by and through undersigned counsel, hereby moves the Court for its Order, pursuant to the provisions of Rule 28(a), Ariz.R.Civ.P., directing the issuance of the attached Commission to the appropriate judicial authority having jurisdiction over civil actions in the Superior Court, Montgomery County, State of Maryland, for the taking of the deposition of the following individual:

Mr. Timothy M. Mulligan
Forensic Advisors, Inc.
99 Maryland Avenue
Rockville, MD 20850

alternative address:

8101 Connecticut Avenue #N109
Chevy Chase, MD 20815

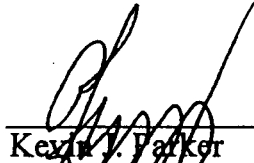
EXHIBIT 3

1 This Application is made on the grounds that said witness is not subject to the
2 jurisdiction of this Court, and a Commission is required by the jurisdiction in which the
3 above-listed entity resides for the taking of such deposition.

4 RESPECTFULLY SUBMITTED this 16th day of August, 2004.

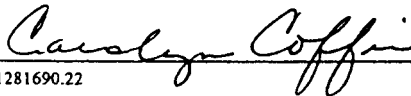
5 SNELL & WILMER LLP.

6
7 By


Kevin J. Parker
Geoffrey S. Kerckmar
Scott A. Schwartz
One Arizona Center
Phoenix, Arizona 85004-2202
Attorneys for Plaintiff

11
12
13 COPY of the foregoing mailed this
14 16th day of August, 2004, to:

15 Frank W. Moskowitz, Esq.
16 BERK & MOSKOWITZ, P.C.
17 5665 North Scottsdale Road
Suite F-100
Scottsdale, Arizona 85250-5959
Attorneys for Defendant Floyd Schneider

18
19 
20 1281690.22

21
22
23
24
25
26
EXHIBIT 3

Kevin J. Parker (#010408)
Geoffrey S. Kerksmar (#020528)
Scott A. Schwartz (#022685)
SNELL & WILMER LLP.
One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6238
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

MATRIX INITIATIVES, INC., a
Delaware corporation,

Plaintiff,

v.

STEVEN EDWARD DICK and JANE
DOE DICK, husband and wife; JIMMY
JONES and SHARON JONES, husband
and wife; FLOYD D. SCHNEIDER;
and JOHN and JANE DOES 1-25,

Defendants.

No. CV2002-023934

**AMENDED SUBPOENA DUCES
TECUM (Deposition and Records)**

THE STATE OF ARIZONA TO:

Mr. Timothy M. Mulligan
Forensic Advisors, Inc.
99 Maryland Avenue
Rockville, MD 20850

alternative address:

8101 Connecticut Avenue #N109
Chevy Chase, MD 20815

**DATE, TIME AND PLACE
OF APPEARANCE:**

Friday, October 22, 2004, 10:00 a.m.
Capitol Process Services
9892 Hollow Glen Place
Silver Spring, MD 20910-1138

YOU ARE COMMANDED to bring with you and produce these books, papers,
documents, or tangible things:

See attached Exhibit "A"

EXHIBIT 3

1 You have been subpoenaed by Matrixx Initiatives, Inc., whose attorney's name,
2 address, and telephone number is Kevin J. Parker, Snell & Wilmer, One Arizona Center,
3 400 East Van Buren, 19th Floor, Phoenix, Arizona 85004, (602) 382-6238.

4 **YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS**
5 **SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A**
6 **CONTEMPT OF THIS COURT, AND A CIVIL ARREST WARRANT MAY BE**
7 **ISSUED. A CIVIL ARREST IS AN ORDER DIRECTING ANY POLICE**
8 **OFFICER IN ARIZONA TO ARREST YOU AND BRING YOU BEFORE THIS**
9 **COURT FOR FUTURE PROCEEDINGS.**

10 **REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS**
11 **WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO**
12 **THE CASE BY PARTIES AT LEAST THREE JUDICIAL DAYS IN ADVANCE**
13 **OF A SCHEDULED COURT PROCEEDINGS.**

14 **Your Duties In Responding To This Subpoena**

15 You have the duty to produce the documents requested as they are kept by you in
16 the usual course of business, or you may organize the documents and label them to
17 correspond with the categories set forth in this subpoena. See Rule 45(d)(1) of the
18 Arizona Rules of Civil Procedure.

19 If this subpoena asks you to produce and permit inspection and copying of
20 designated books, papers, documents, tangible things, or the inspection of premises, you
21 need not appear to produce the items unless the subpoena states that you must appear for
22 a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil
23 Procedure.

24 **Your Right To Object**

25 The party or attorney serving the subpoena has a duty to take reasonable steps to
26 avoid imposing an undue burden or expense on you. The Superior Court enforces this
duty and may impose sanctions upon the party or attorney serving the subpoena if this
duty is breached. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to
respond to the request(s) made. Any objection to this subpoena must be made within 14
days after it is served upon you, or before the time specified for compliance, by
providing a written objection to the party or attorney serving the subpoena. See Rule
45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject
to protection as trial preparation material, you must express the objection clearly, and
support each objection with a description of the nature of the document, communication
or item not produced so that the demanding party can contest the claim. See Rule
45(d)(2) of the Arizona Rules of Civil Procedure.

1 If you object to the subpoena in writing, you do not need to comply with the
2 subpoena until a court orders you to do so. It will be up to the party or attorney serving
3 the subpoena to seek an order from the court to compel you to provide the documents or
inspection requested, after providing notice to you. See Rule 45(c)(2)(B) of the Arizona
Rules of Civil Procedure.

4 If you are not a party to the litigation, or an officer of a party, the court will issue
5 an order to protect you from any significant expense resulting from the inspection and
copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

6 You may also file a motion in the superior court of the county in which the case is
7 pending to quash or modify the subpoena if the subpoena:

- 8 (i) does not provide a reasonable time for compliance;
9 (ii) requires a non-party or officer of a party to travel to a county different
10 from the county where the person resides or does business in person; or to travel to a
county different from where the subpoena was served; or to travel to a place farther than
40 miles from the place of service; or to travel to a place different from any other
convenient place fixed by an order of a court, except that a subpoena for you to appear
and testify at trial can command you to travel from any place within the state;
11 (iii) requires the disclosure of privileged or protected information and no
waiver or exception applies; or
12 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona
Rules of Civil Procedure.

13 If this subpoena:

- 14 (i) requires disclosure of a trade secret or other confidential research,
development, or commercial trade information; or
15 (ii) requires disclosure of an unretained expert's opinion or information not
describing specific events or occurrences in dispute and resulting from the expert's study
made not at the request of any party; or
16 (iii) requires a person who is not a party or an officer of a party to incur
substantial travel expense;

17 The court may either quash or modify the subpoena, or the court may order you to
18 appear or produce documents only upon specified conditions, if the party who served the
19 subpoena shows a substantial need for the testimony or material that cannot be otherwise
20 met without undue hardship and assures that you will be reasonably compensated. See
Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

21 SIGNED AND SEALED this date: _____

22 MICHAEL K. JEANES, Clerk

23 By _____

24 Deputy Clerk



25 MICHAEL K. JEANES, CLERK
26 C. CARDENAS
DEPUTY CLERK

AUG 24 2004

COPY

EXHIBIT 3

Exhibit "A"

Definitions

For the purposes of these document requests, the following definitions apply:

A. "Matrixx" means Matrixx Initiatives, Inc., its predecessor Gum Tech International, Inc., and all subsidiaries and affiliates and officers and employees thereof.

B. "Matrixx Stock" means Matrixx securities, including but not limited to common stock, options, short sales, puts, calls and other transactions (NASDAQ trading symbol: MTXX, and formerly GUMM).

C. "Matrixx Products" means Matrixx products, including but not limited to the Zicam® line of products.

Documents Requested

Please produce the following documents:

1. Any and all documents evidencing the individual(s) or entity (or entities) who requested that Forensic Advisors, Inc. prepare "The Eyeshade Report" dated August 26, 2003 on Matrixx Initiatives, Inc. ("Report"). This includes, but is not limited to, all receipts, correspondence, e-mails, and memoranda relating to the request.

2. Any and all documents regarding interaction with any person(s) or entity (or entities) referenced in the preceding request.

3. Any and all materials provided to or obtained by or used by Forensic Advisors, Inc. in preparation of the Report.

4. Any and all documents evidencing or supporting a factual basis for all of the assertions or allegations set forth in the Report.

5. Any and all documents evidencing the identity of any individuals who prepared a draft or any part of the Report.

6. Any and all documents evidencing the identity of all individuals or entities to whom the Report was provided.

1 7. Any and all documents regarding interaction with any person(s) or entity
2 (or entities) who requested, suggested, prompted, encouraged, persuaded, or otherwise
3 had any influence in the decision to prepare the Report.

4 8. Any and all documents regarding interaction with any person(s) or entity
5 (or entities) who assisted, aided, supported, contributed, played a role, or otherwise had
6 any influence in the production or content of the Report.

7 9. Any and all documents relating to or regarding interaction with an
8 individual known on the Internet as "veritasconari," or showing the identity of such
9 person.

10 10. Any and all documents relating to or regarding interaction with the
11 individual Floyd D. Schneider.

12 11. Any and all documents relating to or regarding interaction with an
13 individual known on the Internet as "Floydtheoneandonly," or showing the identity of
14 such person.

15 12. Any and all documents relating to or regarding interaction with an
16 individual known on the Internet as "charlesp0nzi," or showing the identity of such
17 person.

18 13. Any and all documents relating to or regarding interaction with an
19 individual known on the Internet as "thetruthseekercom," or showing the identity of such
20 person.

21 14. Any and all documents relating to or regarding interaction with an
22 individual known on the Internet as "gunnallenlies," or showing the identity of such
23 person.

24 15. Any and all documents relating to or regarding interaction with an
25 individual known on the Internet as "painfullyblunt2004," or showing the identity of
26 such person.

3 17. Any and all documents relating to or regarding interaction with the
4 individual John Fiero.

5 18. Any and all documents relating to or regarding interaction with the
6 individual Anthony Elgindy.

7 19. All documentation relating to or reflecting the identity of the person using
8 the internet alias "gunnallenlies."

9 20. All documentation relating to or reflecting the identity of the person using
10 the internet alias "veritasconari."

11 21. All documentation relating to or reflecting the identity of any person
12 posting on any internet message board on the topic of Matrixx.

13 22. Contact information (whether hard copy or computer stored) for all
14 individuals or entities whom you believe or have been informed may have shorted
15 Matrixx Stock at any time during 2003 or 2004.

16 23. All documentation referring to or reflecting any recommendations or tips
17 relating to Matrixx Stock.

18 24. All memoranda or research reports or similar materials relating or referring
19 to Matrixx Stock.

20 25. All newsletters relating or referring to Matrixx Stock.

21 1281668.29
22
23
24
25
26